

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FIDELITY MANAGEMENT TRUST)	
COMPANY, as Collateral Agent for Mellon)	
Bank, N.A., as Trustee of Bell Atlantic Master)	
Trust with Respect to Account C)	
)	Civil Action No. 04-cv-11873 NMG
Plaintiff,)	
v.)	
)	
RICCARDO OLIVIERI, an individual)	
)	
Defendant.)	
)	
)	
)	
)	
)	

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiff Fidelity Management Trust Company (“Fidelity”), as collateral agent and investment manager and not individually, on behalf of Mellon Bank, N.A., as Trustee of the GTE Service Corporation Plan for Employees’ Pensions Trust with respect to Account No. 176230, *n/k/a* the Bell Atlantic Master Trust with respect to Account C (“Bell Atlantic Trust”), and Defendant Riccardo Olivieri hereby that this case be dismissed with prejudice, each party to bear its own costs.

Respectfully submitted,

<u>/s/ Brian H. Mukherjee</u> Anthony M. Feeherry, P.C. (BBO # 160860) Brian H. Mukherjee, Esq. (BBO # 643954) GOODWIN PROCTER LLP Exchange Place Boston, Massachusetts 02109 Telephone: 617-570-1000 Facsimile: 617-523-1231	<u>/s/ Richard L. Levine</u> Richard L. Levine (BBO # 297040) Kenneth J. DeMoura (BBO # 548910) ADLER POLLOCK & SHEEHAN 175 Federal Street Boston, Massachusetts 02110 Telephone: (617) 482-0600 Facsimile: (617) 482-0604
Attorneys for Fidelity Management Trust Company, as Investment Manager and Collateral Agent and not Individually	Attorneys for Riccardo Olivieri

Dated: May 20, 2005

SO ORDERED this ____ day of May, 2005.

Nathaniel M. Gorton
United States District Judge